

**UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT
LITTLE SNAKE FIELD OFFICE**

**Response to 30 Day Public Comments
February 2013 Oil and Gas Lease Sale
DOI-BLM-CON010-2012-0049EA
Attachment F**

Response to Colorado Parks & Wildlife

Comment: The following statement was cited directly from the letter submitted by CPW: "CPW believes that impacts to wildlife resources on the identified lease parcels can be adequately avoided, minimized and mitigated with stipulations attached to the Sale Notice."

Response to National Parks Conservation Association and The Wilderness Society

Comment: Leasing the Dinosaur parcels conflicts with the prohibition on commercial use of National Park system roads. The Dinosaur Parcels more or less border the eastern entrance road to Dinosaur National Monument. That road is managed by the National Parks Service (NPS), and is included in a 1000' ROW which is also under the jurisdiction of NPS. Therefore, the road (and ROW) is subject to the regulation and policies governing the management of the National Parks System.

LSFO BLM Response: *Parcels 6296, 6297, and 6298 were reduced in acreage from the northern edge to avoid leasing any acreage north of the Deerlodge Road. The road has a 1000' corridor that has been withdrawn from the public domain for Park Service purposes (50FR36923-36924). In addition, the use of government roads within the park by commercial vehicles is prohibited by 36 CFR 5.6.*

Comment: The BLM has not evaluated the direct, indirect or cumulative impacts of leasing the Dinosaur parcels. Notably absent from the Affected Environment and Effects discussion of Dinosaur National Monument, even though the Dinosaur Parcels border the national monument, which could experience a wide range of visual, auditory and other significant impacts from oil and gas exploration and development activities.

LSFO BLM Response: *Oil and gas leasing in the LSFO remains within the reasonably foreseeable development projections as described in LSFO RMP (2011) on p. ES-12 and in Appendix B. Cumulative impacts were analyzed for such development and not considered significant because of the small area of permanently disturbed area.*

The LSFO reviewed the resource protection stipulations developed in the LSFO RMP (2011) determined that the oil and gas leasing decisions made are still valid, as analyzed in DOI-BLM-CO-N010-2012-0049EA .

Comment: The BLM must defer the Dinosaur parcels in order to comply with Instruction Memorandum 2010-117, which establishes a new leasing process requiring the BLM to take steps to protect National Park System units from the impacts of oil and gas leasing and coordinate and consult with the NPS over the management of "shared landscapes, such as airsheds, watersheds, and soundscapes."

LSFO BLM Response: *The BLM has consulted with Dinosaur National Park and made modifications to the parcels as a result of the coordination.*

Comment: Leasing the Dinosaur parcels is inconsistent with the recommendations of the Stiles report. The report provided the Interior Department with general recommendations on improving the oil and gas leasing program. The Stiles Report described that “locations immediately adjacent to the park, especially the viewshed of the new planned visitor center and entrance road as inappropriate” for leasing.

LSFO BLM Response: *The proposed parcels 6296, 6297, and 6298 are located in a VRM Class III area where moderate change to the characteristic landscape would be allowed as long as the existing characteristics of the landscape are partially retained. The Scenic Quality Rating is a C. The Sensitivity Level Rating would have maintenance of visual quality with a low value. The main entrance road to Dinosaur National Park and planned visitor center are not in the viewshed of the parcels.*

Comment: At a minimum, the BLM must adopt additional measures to protect the values and resources of Dinosaur National Monument. The EA lacks any measures to protect the values and resources of the national monument from the impacts of leasing the Dinosaur Parcels.

LSFO BLM Response: *Oil and gas leasing doesn't preclude the BLM from applying site-specific conditions of approval (COAs) to ensure complete protection for environmental resource values on the oil and gas leases. Prior to any surface-disturbing activities, the BLM will prepare a site-specific NEPA document that will analyze potential environmental impacts in the project area. By regulation, the BLM can require that drilling operations be moved up to 600 feet (200 m) or delayed or postponed by 60 days. If the NEPA analysis indicates that additional protection is needed, resource-protective mitigation measures and best management practices (BMPs) are developed and applied as COAs for the proposed action and are included as part of the approved drilling and construction permits (APDs and Sundry Notices).*

Before any activity for exploration or development occurs, permits from several agencies may be required and additional permit conditions may be imposed by the BLM for additional protection of the site-specific environmental resources. The detailed analysis required to adequately identify all potential effects at a specific site can only be made at the permit or operations-approval stage after a specific site has been selected. It is only at this point that, after the details of the site-specific proposed action have been reviewed and analyzed and all of the alternatives for the proposed surface use and potential resource-protective modifications to the surface use proposal have been properly analyzed, can adequate and appropriate mitigation measures be developed for the proposed action. The BLM has worked effectively with the oil and gas industry, state agencies, and local governments to address concerns about drilling in sensitive areas and during critical time periods.

Response to Rocky Mountain Wild

Comment: BLM Must Evaluate Additional Measures to Protect Priority Sage Grouse Habitat in Parcels 6298, 6302, 6336, 6348, 6385, 6403, 6422, 6425, 6426, 6427, and 6525.

As discussed above, BLM must consider alternatives to address “unresolved resource conflicts” in leasing EAs. IM 2010-117 lists several measures that BLM should evaluate in those alternatives, including modifying the boundaries of proposed lease parcels. IM 2010-117 at III.F. Because these parcels overlap with high and/or medium priority sage grouse habitat, and because the existing RMP does not adequately protect that habitat, BLM should modify and exclude priority sage grouse habitat from the boundaries of these parcels.

According to the screen that Rocky Mountain Wild conducted utilizing the GIS data provided for the proposed lease parcels and data layers for environmentally sensitive species and habitat these parcels overlap with important sage-grouse habitat. As BLM has previously recognized, the impacts of oil and gas development on sage grouse leks “remain discernable out to distances more than 6 km (3.6 miles).” Billings Field Office, Oil and Gas Lease Parcel Sale, October 18, 2011 EA at 6;4 see also id. (noting “that lek counts decreased with distance to the nearest active drilling rig, producing well, or main haul road, and that development influence[s] counts of displaying males to a distance of between 4.7 and 6.2 km (2.9 and 3.9 miles).”). Furthermore, the LSFO’s Proposed RMP designates areas within four miles of a sage grouse lek as high or medium priority habitat. LSFO Proposed RMP at 2-17. Thus, as BLM has proposed for other parcels located in high or medium priority habitat, BLM should defer the portions of these parcels that also overlap with high and/or medium priority habitat.

Recommendation: BLM should defer the areas of these parcels that are located in high and/or medium priority sage grouse habitat from the lease sale.

LSFO BLM Response: *In the LSFO RMP (2011) low, medium and high priority **sagebrush** habitats were designated. High priority sagebrush habitat consists primarily of greater sage-grouse core areas (CPW 2008) and medium priority habitat is a combination of sage-grouse habitat and big game habitat. Some areas of medium priority habitat provide important winter habitat for big game species and are outside of occupied sage-grouse habitat (FEIS 2-17). If a parcel contains a medium priority habitat controlled surface use stipulation, it does not necessarily mean that the parcel provides habitat for sage-grouse. None of the parcels are located in high priority sagebrush habitat.*

Colorado Parks and Wildlife (CPW) recently updated greater sage-grouse preliminary general habitat (PGH) and preliminary priority habitat (PPH). This is the most recent identification of sage-grouse habitat. Areas outside of PGH and PPH are not considered occupied at this time. Parcels 6298, 6385, 6422, 6425, 6426 and 6427 are outside of both PGH and PPH and are not considered priority habitat. Parcels 6302, 6336, 6348, 6403 and 6525 are located in PGH and do provide habitat for greater sage-grouse.

The alternatives analyzed and environmental impacts addressed in the LSFO RMP (October 2011) adequately address potential impacts to sage-grouse in PGH; therefore, LSFO is proposing to lease parcels in PGH. Mitigation measures, including a no surface occupancy and timing limitations were developed during the RMP amendment process to address oil and gas development in sage-grouse habitat. In addition, controlled surface use stipulations (1% and 5% disturbance thresholds) were designed to reduce fragmentation in sage-grouse and big game

habitat. Environmental impacts are addressed again at a site specific level upon receiving oil and gas operations permits.

Comment: BLM Must Evaluate Additional Measures to Protect Columbian Sharp-Tailed Grouse Habitat.

Parcels 6348, 6386, 6403, 6422, 6424, 6425, 6426, 6427, 6525, 6531, and 6548 contain Columbian sharptailed grouse winter habitat, lek sites, and production areas. These parcels do not have adequate stipulations attached to protect this habitat. The Colorado Division of Wildlife (CDOW) has issued best management practices (BMP) for oil and gas development aimed at protecting this species. One BMP states, “Where oil and gas activities must occur within mapped Columbian sharp-tailed grouse winter habitat, conduct these activities outside the period between December 1 and March 15.” BLM should attach a timing limitation stipulation to the leases that is consistent with this BMP. CDOW has also advised to implement a 1.25 mile buffer around leks.

Recommendation: BLM should attach a timing and surface use limitation stipulation to all lease parcels that are consistent with CDOW’s BMP for Columbian sharp-tailed grouse.

LSFO BLM Response: *The alternatives analyzed and environmental impacts addressed in the LSFO RMP (October 2011) adequately address potential impacts to special status species, including Columbian sharp-tailed grouse. Mitigation measures, including a no surface occupancy and timing limitations were developed during the RMP amendment process to protect this species. Timing limitations to protect nesting and wintering sharp-tailed grouse have been attached to leases where appropriate. In addition, controlled surface use stipulations (5% disturbance thresholds) designed to reduce fragmentation in sage-grouse and big game habitat will reduce habitat fragmentation potential in sharp-tailed grouse habitat associated with parcels 6348, 6403, 6425, 6426, 6427, 6525 and 6531.*

Response to Trout Unlimited (TU)

Comment: Based on the soil analysis and steep slopes, we (TU) request that NSO stipulations be applied on slopes greater than 25 percent and even 15 percent, based on the soils discussion in the EA access to gas plays located on steep slopes can be obtained through other options such as directional drilling. Applying stipulations such as NSO on steep slopes prevents increases in man-caused sedimentation and erosion in addition to protecting these fragile soils, which have very limited reclamation potential.

LSFO BLM Response: *The alternatives analyzed and environmental impacts addressed in the LSFO RMP (October 2011) adequately address potential impacts to soils resources, including fragile soils which are defined as having slopes greater than or equal to 35 percent. A no surface occupancy (NSO) mitigation measure was developed during the RMP amendment process to protect these soils. The BLM will apply COAs and BMPs as appropriate on a case-by-case basis at the implementation-level to protect soil resources.*

Response to Home Owner’s Association and Land Owners

General Comments: The BLM received 1 letter of comment from a landowner's association and 6 letters from landowners.

Issues included concerns for:

- Degradation of habitat for wildlife and disturbance of wildlife;
- Negative impacts on soil, water, and air resources;
- Evaluation of geotechnical stability and impacts on surface and groundwater and vegetation types;
- Negative effects on the human environment and the legality of commercial activity on Wilderness Ranch covenants;
- Decreased property values and the impact of visual and noise pollution;
- Increased traffic and the need for travel management and road maintenance;
- The effect on the seasonal road closure granted to the Northwest Colorado Snowmobile Club.

LSFO BLM Response: *The BLM elected to eliminate from the RMP (October 2011) a Resource or Planning Area wide No Leasing Alternative, but did consider an alternative (Alternative D, RMP[2011], p. 2-63) that would have closed more acreage to leasing. Alternative D was analyzed and not selected. A No Lease decision is made where it is determined that oil and gas leasing is not in the public's interest. No Leasing was considered and analyzed on a site-specific basis as part of the analyzed alternatives in the 1991 Colorado Oil and Gas Leasing and Development FEIS. Where it was determined that even the most restrictive mitigation available (no surface occupancy) would not adequately mitigate conflicts or environmental consequences, which could indicate that leasing is not in the public's interest, a No Leasing decision was considered. A No Leasing decision is reached only after careful consideration of conflicting resource values and uses and environmental consequences.*

Oil and gas leasing doesn't preclude the BLM from applying site-specific conditions of approval (COAs) to ensure complete protection for environmental resource values on the oil and gas leases. Prior to any surface-disturbing activities, the BLM will prepare a site-specific NEPA document that will analyze potential environmental impacts in the project area. By regulation, the BLM can require that drilling operations be moved up to 600 feet (200 m) or postponed by 60 days. If the NEPA analysis indicates that additional protection is needed, resource-protective mitigation measures and BMPs are developed and applied as COAs for the proposed action and are included as part of the approved drilling and construction permits (APDs and Sundry Notices). Before any activity for exploration or development occurs, permits from several agencies may be required and additional permit conditions may be imposed by the BLM for additional protection of the site-specific environmental resources. The detailed analysis required to adequately identify all potential effects at a specific site can only be made at the permit or operations-approval stage after a specific site has been selected. It is only at this point that, after the details of the site-specific proposed action have been reviewed and analyzed and all of the alternatives for the proposed surface use and potential resource-protective modifications to the

surface use proposal have been properly analyzed, can adequate and appropriate mitigation measures be developed for the proposed action. The BLM has worked effectively with the oil and gas industry, state agencies, and local governments to address concerns about drilling in sensitive areas and during critical time periods.